



**REGULAR MEETING  
MINUTES  
for  
October 28, 2002, 4:00 p.m.  
Art Pick Council Chamber  
3900 Main Street, Riverside, CA**

Present: Commissioners Brewer, Floyd, Gardner, Hendrick, Howe, Huerta and Ward

Absent: Commissioners Davidson and Garcia

**Roll Call**

**CLOSED SESSION – CASE REVIEWS**

Pursuant to Government Code Section 54957, the Commissioners adjourned to Closed Session at 4:06 to review the following case(s) involving PUBLIC EMPLOYEE PERSONNEL MATTERS:

<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
02-052	PC-02-151-147
02-055	PC-02-157-133
02-056	PC-02-157-258
02-064	PC-02-173-336
02-066	PC-02-179-016
02-076	PC-02-192-234
02-095	PC-02-229-264
02-096	PC-02-230-209

**6:00 P.M. – OPEN SESSION**

Chairperson Brewer called the meeting to order at 6:00 p.m. and led in the Pledge of Allegiance.

Motion was made by Commissioner Huerta and seconded by Commissioner Hendrick to approve the minutes for the September 2002 monthly meeting and October case review meeting. Motion passed unanimously.

## **Executive Director's Report & Comments**

Executive Director Williams remarked on the comments he received on the Chair's report to Council from two citizens at Saturday's Strategic Planning Meeting. One, he said, was "scathing" and the other was very positive. He said there was also a letter to the editor that "didn't think much of it," but said he thought that the report was generally well received. He said that the Chair's report pointed out that the use of force and discrimination complaints are not as common as it was thought they would be and the biggest issue is the "customer service thing in a nutshell." He said that when officers do not give good customer service, "it tends to be sort of a catalyst that propels a lot of the complaints we have."

He notified the commissioners that he, the chair and vice-chair would be leaving for Boston to attend the annual NACOLE conference. He said that there are a couple of cases that need to be signed and sent to the City Manager's office as quickly as possible. Because they will be gone and he was having computer problems and couldn't get the cases printed and signed prior to open session, he asked that, as an emergency measure, a chair pro tem be chosen from among the remaining commissioners. This designee would need to come to the CPRC office the following day and sign the reviewed cases. He said that he realized that this was not agendaized, but because of the time factor, the issue couldn't wait until the next regular meeting.

He noted that work is being started for the annual report. He also said that budget is going to be coming up soon.

Chairperson Brewer asked if anyone wanted to make a nomination. Commissioner Howe nominated Commissioner Hendrick. Commissioner Floyd said that he thought they would need to make a motion and vote on taking an item that arose after the agenda was posted. Commissioner Howe withdrew his motion and Commissioner Floyd made a motion that they consider the matter that arose after the agenda was posted. Commissioner Howe seconded and it was approved unanimously.

Commissioner Howe again nominated Commissioner Hendrick as Chair Pro Tem during the absence of the chair and vice-chair. Commissioner Floyd seconded and it passed unanimously.

## **Commissioner's Comments**

Chairperson Brewer asked for Commissioner's Comments.

**COMMISSIONER HUERTA** – I had two things. Did we get a copy of the document that went to city council for their agenda last Tuesday night where we made our recommendations?

**CHAIRPERSON BREWER** – I don't know that a copy was...you mean that I wrote?

**COMMISSIONER HUERTA** – Correct. The one that was in the...that the city council members saw...

**EXEC. DIR. WILLIAMS** – I don't know if we did or not.

**COMMISSIONER HUERTA** – I would like to have a copy.

**EXEC. DIR. WILLIAMS** – Sure.

**MS. SHERRON** – I'll e-mail all of you who have e-mail; I'll send you a copy and those of you who don't, I'll just stick one in the mail to you.

**COMMISSIONER HUERTA** – Second thing is what's the status of our discussion on Workers' Comp, signing waivers, not signing waivers?

**EXEC. DIR. WILLIAMS** – There should have been a memo in your package there. Basically what it boils down to – we’re going to drop the requirement that a person do ride-alongs. It’s just strictly a voluntary situation – if you want to do it, do it. If you don’t, that’s fine. You do sign waivers and...you know, as anyone else would.

**CHAIRPERSON BREWER** – I thought there had been discussion other than that – that it was...

**EXEC. DIR. WILLIAMS** – Well, I had discussed with a few people... After I had discussed with everybody – I probably went through three or four people, and then I know they checked with other people familiar with this sort of thing and it sort went in a circle a couple of times, but that was...the end deal was just I’ll just make it optional and that takes care of the problem and sign the waiver. So if you don’t want to, it’s an optional thing. It’s a good idea, but it’s optional and sign the waiver. It was just getting...there’s just too many things involved in it to make it feasible.

**CHAIRPERSON BREWER** – Well that still hasn’t answered the question whether our people are covered or not covered if they do go on a ride-along.

**EXEC. DIR. WILLIAMS** – Well, you’re covered as you would any other citizen. It’s from a liability standpoint, from a legal...it’s a case-by-case basis. They’ll look at the case if there’s a lawsuit filed and make that determination then. From a medical standpoint, you know, it’s like any other citizen. There’s no other coverage. They wouldn’t be covered.

**COMMISSIONER HUERTA** – Then I have another comment. I know that section, the particular section in the By-Laws that talks about the ride-alongs says it’s recommended. However, when I read that and I see it’s recommended, not required, but recommended, it still makes it a very strong statement that we ought to be doing it. I would like us to think about rewording that. Maybe that taskforce needs to come back up and talk about while we are encouraged to do the ride-along, it is not required and it may be an option for each of the commissioners to determine on their own.

**EXEC. DIR. WILLIAMS** – you’re probably right. I mean, it needs to be...we don’t want to sit there and look like it’s forced or anything. I think you’re absolutely right there. I think that one of a number of issues that are coming up when we wind up getting the new improved version of the policies and procedures and I’m sure that’s one of them that will be added.

**VICE-CHAIR GARDNER** – I guess I’m a little confused, Don. It was my understanding that you were going to try to find a way to get us covered and it sounds like...if there’s a roadblock, I’d like to know where the roadblock is.

**EXEC. DIR. WILLIAMS** – There’s no roadblock. It just...it’s...there’s no physicals required. It’s not like...I mean, you’re not employees. There’s...some of the things that were brought up to me is look, we don’t know what kind of medical background...you know, to get employed, I had to go through a physical. I had to have a pre-employment physical to have them check me out and stuff like that. There’s no pre-employment physical, so they don’t know what kind of ailments...and it’s not just the...they can’t do it just for this commission. It has to be for...you know, there’s one for the Parks Department. These folks go around looking at trees and stuff and so it’s not just for this commission. It would be for every board and very commission associated with the city.

**VICE-CHAIR GARDNER** – I guess I don’t see the problem with that. I mean, if there’s a roadblock, I’d like to address the roadblock. If there’s not a roadblock, then we shouldn’t be stopped.

**EXEC. DIR. WILLIAMS** – Well, you know, I don’t know...I can’t see there’s a roadblock, but it’s just...the things that were brought up to me is that this is going to be...to administer...we don’t know their background. We were talking about physicals that they’d have to go through to make sure there’s no preexisting condition that someone – not one of you necessarily – but somebody else might have a problem. One of the things...let’s say, for instance, one of your commissioners is talking to you on the

phone about the commission business and slips and falls. Is he covered by Workers' Comp or not? I don't know.

**VICE-CHAIR GARDNER** - I don't think that's what anybody's talking about. What people are talking about is if we're riding in the police car on a ride-along and that car is involved in an accident, are we covered? Well, apparently no, we're not, and that's an issue. So that's the issue that we would like to have addressed and either it can't be done and if that's the case, I'd like to know why it can't be done. Or it can be done, in which case, let's do it.

**EXEC. DIR. WILLIAMS** – Well, you know, I think it can be done but it's just a risk the city doesn't want to take.

**VICE-CHAIR GARDNER** – Okay. Then I'd like to know where in the city the roadblock that says that's a risk we're unwilling to take is. I want to know who's saying no.

**EXEC. DIR. WILLIAMS** – Okay. There's not one individual.

**VICE-CHAIR GARDNER** – Okay. Give me twelve individuals.

**EXEC. DIR. WILLIAMS** – I'll get a list to you and let you know where it's going and...

**VICE-CHAIR GARDNER** – I'm just not satisfied leaving it where it is. I think we deserve more than that and if the city can't do it, I think the city owes it to us to say why the city can't do it and who is making that decision.

**EXEC. DIR. WILLIAMS** – Sure.

**CHAIRPERSON BREWER** – I think we need something like that in writing, a formal presentation from – whether it be the city attorney or whoever – so it's documented.

**EXEC. DIR. WILLIAMS** – Okay.

**CHAIRPERSON BREWER** - Are the volunteers required to take physicals?

**VICE-CHAIR GARDNER** – No.

**EXEC. DIR. WILLIAMS** – You know, I don't know what other volunteers are...no, I don't know.

**CHAIRPERSON BREWER** – That'd be one of the questions, then.

**COMMISSIONER HOWE** – Mr. Chairman?

**CHAIRPERSON BREWER** – Yes?

**COMMISSIONER HOWE** – Also, while the Executive Director is checking that out, we also need to know if we're covered in lawsuits. That we should have in writing, too.

**EXEC. DIR. WILLIAMS** – Well, that is as I said initially for a lawsuit, it's a case-by-case basis is what they've said. They'll look at the case facts and if it's...and that's how they'll do it, on a case-by-case...I guess they can't give a blanket... I don't know all the parameters of it and everything, but that's...it's not absolutely no, it's just that they're going to look at it on a case-by-case basis.

**COMMISSIONER HOWE** – We still need some sort of directive, procedure, policy, or something in writing that states what the policy is.

**EXEC. DIR. WILLIAMS** – Well, you know, keep in mind that ride-alongs are optional. You don't have to do them and that's the point.

**COMMISSIONER HOWE** – Well, I'm not speaking of ride-alongs. I'm speaking of just general lawsuit because of decision we make as commissioners.

**EXEC. DIR. WILLIAMS** – Okay. Well, I understand.

**CHAIRPERSON BREWER** – Yeah, and as far as the ride-alongs, we seem to be changing our position. We were requiring a ride-along in training to start out with.

**EXEC. DIR. WILLIAMS** – Well, we're not anymore.

**CHAIRPERSON BREWER** – Well, where did this come from?

**EXEC. DIR. WILLIAMS** – Well, that was because I made the decision to make it part of training and so I said, "Okay, well, then I'll make it not to be...it's not going to be a requirement then," you know, and that gets... When it takes it out of the 'have to' to the 'it's on your own nickel' – if you want to do it, that's fine; If not, that's fine – then that's where it becomes an optional part.

**CHAIRPERSON BREWER** – Now is that a matter that should be taken up as a decision by the Executive Director or by the Commission?

**EXEC. DIR. WILLIAMS** – Well, since the Executive Director is the one who wrote the training requirements and set all this stuff out...

**CHAIRPERSON BREWER** – Gloria?

**COMMISSIONER HUERTA** – But it is in our By-Laws and we need to do something about our By-Laws and that statement. Even though it doesn't say it's required, it implies that it is. It's strong wording so we do need to address it as a commission.

**EXEC. DIR. WILLIAMS** – I'll carry it up and I will make sure that the minutes are seen by everybody so everyone's comments...they'll be able to read the comments fully.

**CHAIRPERSON BREWER** – And if we feel we need some By-Law changes, we can put that on the agenda to do that.

**EXEC. DIR. WILLIAMS** – And I think we have general changes to By-Laws and Policies and Procedures coming up anyhow, so that'd be one more to the list.

**CHAIRPERSON BREWER** – Any other comments from any of the commissioners? Next is public comments. Mary?

## **Public Comments**

### **Mary Shelton**

Hi. I read with interest Mr. Brewer's report that was presented to the City Council and the first thing that confused me about it was that there was a lot of talk about discourteousness, but when you go back through the statistics of the complaints and the outcomes of the complaints, very few discourteousness complaints were actually sustained – only, probably about three or something out of...and that was probably one of the largest categories of complaints, besides improper procedure. But it seems that so few of them were sustained and the only other options are it's unfounded, i.e. it didn't happen so it's nothing to be concerned about, or it was exonerated, so it happened so it's legal, justified and proper.

Again, that's not anything to be concerned about, or that they were not sustained, which means it could have happened, but it didn't happen or this person said it happened and the burden of proof was with...was on the officer's side because they're not having a sustained against them. So I was a bit confused with that finding that there's this big concern with about discourteousness when there's so few complaints sustained on it.

But I do think it is an important issue and it's not a minor thing like Dan Bernstein made it out to be in his column because it's probably the barometer of the progress that the Police Department is making in term of complying with the consent decree. Because I know that people are impressed with the reforms that they've made so far, like changing policies and implementing training and things like that. But compared with the most difficult task that they have before them, those are mostly cosmetic changes because the most important thing for them to change is their attitude and their culture. And I think that this discourteousness – and I know where this is coming from because I've heard probably most of the complaints that I hear about the Riverside Police Department deal in this particular area and it's from some people who are their biggest supporters. But they'll come and say to me, "Well, by the way, this officer was kinda acting this way towards me and I didn't appreciate it." And I always tell them that they should go and report it to the Department or things like that for a variety of reasons. So I've considered the fact that, yeah, that there is still some ground to be made in terms of the Police Department heading into a more positive direction where they can deal with all members of all communities in a respectful manner. And it's important for a variety of reasons. It's important for the officers because what if you have an officer for example, who has no discourteousness complaints and then they, all of a sudden, they start getting a lot of them? Well, if they don't...I mean, the Police Department should be tracking that through it's early warning system so that maybe perhaps they can talk to the officer and find out that there's something going on in their personal lives that's affecting their job performance and how they relate to people so that they can deal with that officer, perhaps through sending him to some sort of counseling to deal with him before he does something that hurts somebody. And I think that's a very important consideration as far as discourteousness in that direction. But I also think that we can't look at this and say, "Well, it's just a matter of them learning manners." It's a whole attitude. I mean, these behaviors are based on how they perceive the community members that they're serving and they may look at that group of community members and decide that they don't consider them as good as that community members in that community over there and they might think, "Well, it's okay to be this way towards that community," whereas they would not be that way toward this community.

So I'm still very concerned about this whole attitude thing and I hope that... I mean, I've seen a lot of improvements in that area, too, in terms of the interactions I've seen in my community, although I think that, probably that is the largest area that needs to be worked on and I am glad Mr. Brewer pointed it out and I'm sorry that it was taken so negatively by some people. But I think it's probably the most important issue that we have to deal with and it's the foundation of all other types of misconduct, is the most minor forms of misconduct. So I think that if you deal with the discourteousness issue, then there's less of a problem of having to deal with the excessive force issues, which you still have a problem if you have the excessive force complaints, but the discourteous ones still remains a problem.

Thank you.

**CHAIRPERSON BREWER** – Thank you, Mary. Art Garcia...

AG – Thank you, Mr. Chairman, Commissioners. It's been a while since I've been to a meeting – bit of ill health and an increasingly busy schedule. First I want to start my comments thanking the commissioners I saw at Saturday's Strategic Planning Meeting and your executive director. Commissioner Gardner and Brewer and Mr. Williams' attendance there represented you well. I think it was a good event and I apologize if I didn't notice or mention the rest of you that were there. Ms. Shelton's comments prompted me to speak. I wasn't going to speak this evening, but I, too, noticed the reference to the discourteousness of the Police Department and I applaud the Commission for addressing that. Upon reflecting on a conversation I had with Chairman Brewer Saturday, on average you spend about two hours on each case, so I think that you deliberate quite a bit on each case on all the issues and you give it

lots of thought. So your findings of discourteousness, true, I think would cause some citizens to take offense to that and to file a complaint and I wonder and I question what are the standards? To one person, a police officer may be discourteous; to another it's just being a cop who's maybe a little indifferent and you know, a lot of police officers don't show their feelings. They can't. They have to maintain that professionalism and almost like a...they're...almost like they're indifferent, but a lot of folks, the police officers I've encountered in the past aren't very gregarious, outgoing. Some are. Maybe that's...maybe that needs to be worked on. But the point of my question is what standards dictate when you determine that an officer is being discourteous or, take it a step further, unprofessional? Is it required of a police officer to smile and wave and, you know, pat the child on the head and... I'd like to see that more and more, but I'm just wondering what this commission uses as a standard in that regard and I commend all of you for your time spend serving the citizens of Riverside on this commission and I, for one, appreciate it.

Thank you.

**CHAIRPERSON BREWER** – Thank you, Mr. Garcia. No further people from the audience?

**EXEC. DIR. WILLIAMS** – Excuse me...Jack, could I kind of address both items real quick here?

**CHAIRPERSON BREWER** – Sure, certainly.

**EXEC. DIR. WILLIAMS** – And this is something that has come up a couple of times with different people. I think, and maybe it was our fault for using the terminologies and everything the way we did. You've got...we're talking two levels. One is a discourtesy that rises to the level of misconduct and one is the, for lack of a better word or phrase, discourtesy that doesn't and the one that doesn't, I think, probably, in reflection, probably the best term to use is customer service, poor customer service. It's not that they use profanity. It's not that they're...you know, do something that rises to the level of a misconduct like that, but it's not the way you'd want to be treated if you were, for instance, going through a store, to buy goods at a store or something like that. If a cashier were to treat you that way, you'd certainly complain or if not, you'd go down to a competitor's store to buy your wares. Here, with the Police Department, it's not like you can call up Temecula and have them give you police service if you need police service. You're...you've got a captive audience. And so I think that's what the commissioners have expressed to me that they're seeing is this; customer service is lacking a lot of times. You get the person who's a little grumpy, a little grouchy. I mean, it's not...you can't point and say, "Well, you're violating that policy and procedure," but it's certainly not the way that you wish you were treated or you wish a member of your family was treated. And, often times, this lack of customer service is a catalyst for maybe bringing some other complaint forward and so that's why it's not seen in the statistics of discourtesy because it may be sort of a catalyst, but it's not, you know, "Well, you know, he was kind of gruff and grumpy and all that, but boy, he didn't do this, this and this." And it's these "he didn't do's" – that's where the policy violations potentially are, not that "Well, he had kind of a bad attitude," if you would, sort of surly, or whatever like that. I think that's a distinction that maybe we failed to make because people have talked about "well, it's discourtesy." Well, it's...I think someone said that discourtesy complaints have actually gone down, which I think they probably have. The ones that rise to the level, or potentially rise to the level of misconduct, but it's the customer service or lack of good customer service – it's probably a better umbrella under which to define that and it's very subjective. What's discourteous to me may not be discourteous to somebody else. And that's why you have nine commissioners up here and through their collective wisdom, you come up with a decision that's just and I think they've hit the nail on the head virtually every time. There are times when someone claims something and they say it just doesn't rise, it's not really good, but we didn't...it didn't rise to the level of misconduct and so it's a customer service type of thing. And so that's sort of the thing that we hope to, I guess, address with the Department and maybe get, you know...the whole city's going through this customer service...giving better customer service, whether you go to the Planning Department or whatever and I think the Police Department is just, you know, it's just a department in the city that needs to get on board with it. like we all do.

**CHAIRPERSON BREWER** – Pastor Joseph Sims?

**PASTOR SIMS** – My name is Joseph Sims and I'm a pastor on the Eastside. I have several complaints here. Number one – my grandson was picked up for a taillight not operating. The officer handcuffed him, took him to his mother's work, walked him through the workplace with the handcuffs on, and I don't think that's respect. And then we had to get the car out of hock, out of jail, so they charged us for that. But the same grandson's father had been thrown down in his front yard with about 15 officers – this has been about four years ago – with guns drawn on him, and you want us to respect that?

January the Sixth, 11:00 service, six to eight officers came in our church and arrested a lady and we asked them, "Could you please just wait and let us take her down the street so she won't be embarrassed in front of everybody?" They would not do it. Guns and everything else there.

Now I hear all the jargon. A lot of people don't come down to make to complaints because there are barriers. There's language barriers, turf barriers, a lot of other things that will come down and tell you. They'll just absorb it.

Last night, the same grandson was riding out at the Mission Grove. Had a white kid in the car with him. That's the only thing that saved him. It's my secretary's son. And they asked him...even then they stopped him and said, "Why are you in this neighborhood?"

I think this justifies what she's saying. You can't take a person's dignity and they don't fight back. Eventually they're going to fight back. And that's what I'm afraid of right now. It's been too much on one family to have to put up with and nobody's doing anything about it. And I've been to the Police Chief. I've been to everybody else around. They keep covering their behind with red tape. Now, I can take care of it myself if I need to, 'cause I can deal with it politically.

**CHAIRPERSON BREWER** – You have a complaint filed, have you not, Pastor?

**COMMISSIONER HENDRICK** – Have you filed a complaint?

**CHAIRPERSON BREWER** – He has one filed now.

**PASTOR SIMS** – I talked to all that they sent me to.

**COMMISSIONER HENDRICK** – I would point out that there are a lot of African-American families that live up in that community, because I happen to live up there. I would point out that there are a lot of African-American family members that live up in that community, so to be asked a question like that, if in fact it occurred, would, to me, be very inappropriate and we should probably look into that and find out why.

**CHAIRPERSON BREWER** – What's the status of the complaint, Don? It's a new complaint?

**EXEC. DIR. WILLIAMS** – You know, I don't know off the top of my head, you know? We only got a bout 200 of 'em...

**MS. SHERRON** – No, it just came in within, probably about two weeks ago, it came over to us.

**CHAIRPERSON BREWER** – We'll be looking at it then, Pastor.

**COMMISSIONER HENDRICK** – You should file another one for what happened last night.

**COMMISSIONER HOWE** – Pastor Sims, did you file a complaint on the incident involving your grandson?

**PASTOR SIMS** – Yes, I did. We filed complaints and brought it to the community about my son. They said it looked like a stolen car – '72 Mustang convertible – and they went through a whole lot of red tape behind. All I asked them to do was apologize. They never did apologize and this kind of thing...well, I'm



65. I'm tired of it.

**CHAIRPERSON BREWER** – Well, we'll certainly be looking at the complaint when it does reach us, Pastor.

**COMMISSIONER WARD** – Let me just say a couple of things in terms of the complaints that have been filed and the findings that have been made by the Commission. You know, I certainly think that it gives us cause for concern to look at this issue of being discourteous and disrespectful and often times it's a gray area and it's not an area that we can grab a hold of. But I think, as commissioners, we have a responsibility to look at these issues, perhaps in a different way than we've been listening to them.

I had a meeting with the Executive Director, the Chair and the Co-Chair and this was one of the concerns that I brought to their attention. And I brought it to their attention like this: I said you know, when you get an officer that uses excessive force, I mean, here's a person that is already violated everything there is, but when you get attitudinal problems, this is a potential problem on it's way. This is a person's go before it manifests itself in improper behavior and we need to be more cognizant of the attitudes that we're dealing with and... I think that, you know, if we're going to error, I would rather err on the side of making the charge on an officer that maybe is not quite right. Since we're an advisory committee and we have not disciplinary functions whatsoever, I don't see anything wrong with advising a person that this is what people are perceiving in terms of you dealing with them. I would rather do that on a person who's conducting himself in a proper manner than to condone some inappropriate behavior. And I think that if we're going to do what we're charged to do, then we're really going to have to take a serious look at attitudes and you asked a question of how we measure attitudes are discourteous because what may be discourteous to you may not be discourteous to me. So I measure it by the complainant. You know, I look at the perception of the person who's making the complaint. You know, I may look at it and say, "Oh this is nothing." It may be nothing to me, but if the complainant has a problem with it and we're hearing citizen complaints, then we need to be hearing the complaints from the eyes of the complainant and not from the eyes of the police force.

Thank you.

### **Discussion and Vote on changing regular monthly meetings from Monday to Wednesday**

Chairperson Brewer asked for discussion. Commissioner Ward voiced his objection to Wednesday nights because of a prior commitment. He said he found it hard to believe that the only night the Commission could come up with was a night that was inconvenient for him.

After considerable discussion between the commissioners, Commissioner Howe made the motion that the regular monthly meeting be held at 5:30 p.m. on the fourth Wednesday of the month with the closed session taking place prior to open session and that case review meetings be held at 4:00 p.m. on the second Wednesday of the month.

Commissioner Huerta said, so all could agree that, should the Commission need to go back into closed session after the public meeting, they would be able to do that. She noted that if Commissioner Ward were not able to stay for the continuation of the closed session, he could share his opinions on the remaining cases with one of the other commissioners so they could be voiced.

The motion was seconded by Commissioner Ward and passed unanimously.

The Commission adjourned at 6:52 p.m.

Respectfully submitted,

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PHOEBE SHERRON  
Sr. Office Specialist